

In re) Fair Hearing No. 15,216
)
Appeal of)

The petitioner appeals the decision by the Department of Social Welfare denying her application for Supplemental Fuel Program benefits. The issue is whether the petitioner and another adult with whom she lives must be considered a single household in determining the petitioner's financial eligibility for fuel assistance.

The facts are not in dispute. The petitioner lives with another adult with whom she shares all household expenses on an equal ("50/50") basis. In her application for fuel assistance the Department required the petitioner to list the income and resources of all household members. When the income and resources of the petitioner's roommate are considered the household does not qualify for fuel assistance.

The petitioner maintains that on her income alone she cannot afford to purchase her share of fuel in addition to the other household expenses she now shares. The petitioner alleges that her inability to contribute equally to the household's fuel expenses jeopardizes her relationship with her roommate. The petitioner argues that the Department's

definition of household is too restrictive, and that she should be allowed to receive a pro rated fuel assistance check based solely on her income and her share of the household expenses.

ORDER

The Department's decision is affirmed.

REASONS

There is no question that the Department's denial of separate fuel assistance to the petitioner is in accord with the state program regulations. Welfare Assistance Manual (W.A.M.) §§ 2903.1 and 2904 require that the combined income and resources of "all members of the household" must be considered in determining eligibility for fuel assistance.

W.A.M. § 2901.1(4) provides:

Household

A household is defined as one or more persons living in a unit who share a primary heating source, regardless of:

the cost-sharing arrangement for living and heating expenses among those people, or

whether secondary heating sources are shared, or

the relationship of each person to other persons in the living unit.

The federal LIHEAP statute at 42 U.S.C. § 8622(4) sets forth the following:

The term "household" means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

The petitioner admits that she and her roommate share all household expenses, including the purchase of heating fuel. Thus, it must be concluded that she and her roommate constitute an "economic unit" within the meaning of the above statute. Inasmuch as the Department's decision is in accord with the pertinent statutes and regulations, the board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

#